



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Richard C. Smith; Diann Y. Smith
Title: Ambidextrous Earpiece
Serial No.: 10/769,158 Filing Date: January 29, 2004
Examiner: Unknown Group Art Unit: 2644
Docket No.: M-15596 US Confirmation No.: 7774

Irvine, California
September 16, 2004

Mail Stop MISSING PARTS
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL
APPLICATION FILED UNDER 37 CFR 1.53(b)**
Filing Date Granted

Dear Sir:

In response to the "Notice to File Missing Parts of Application – Filing Date Granted" mailed by the United States Patent and Trademark Office on June 16, 2004, the following documents are provided to complete the filing of the above-identified patent application:

1. A declaration signed by the inventors in compliance with 37 CFR 1.63;
2. Copy of Notice to File Missing Parts of Application – Filing Date Granted;
3. Petition for Extension of Time (1 month).

The United States Patent and Trademark Office is hereby authorized to charge the following fees to Deposit Account No. 50-2257:

- | | |
|--|-----------------|
| 1. Surcharge of filing late oath or declaration on a date later than the filing date of the application. | \$ 65.00 |
| 2. Extension Fee within first month | \$ 55.00 |
| 2. TOTAL FEES: | \$110.00 |

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-2257.

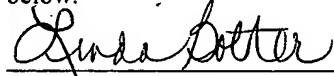
LAW OFFICES OF
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It is hereby respectfully submitted that the enclosed document completes the filing of the above patent application and justifies the filing date of January 29, 2004.

Please telephone the undersigned at (949) 752-7040, if there are any questions.

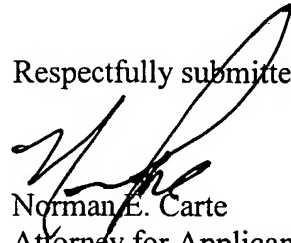
I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Missing Parts, Commissioner for Patents, Alexandria, VA 22313-1450 on the date shown below.



Linda Bolter

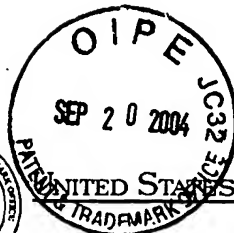
September 16, 2004
Date of Signature

Respectfully submitted,



Norman E. Carte
Attorney for Applicants
Reg. No. 30,455

IRW ✓



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/769,158	01/29/2004	Richard C. Smith	101103.0001US1

CONFIRMATION NO. 7774

FORMALITIES LETTER



OC000000012948912

34284

ROBERT D. FISH; RUTAN & TUCKER, LLP
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Date Mailed: 06/16/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$65 for a Small Entity

- \$65 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

09/21/2004 SS1TH1B1 00000076 502257 10769158

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Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE